

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

MICHAEL F. HARRIS,

Petitioner,

v.

**CIVIL ACTION NO.: 3:17-CV-41
(GROH)**

JOE COAKLEY, Warden,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation (“R&R”) of United States Magistrate Judge Robert W. Trumble. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued an R&R [ECF No. 14] on July 23, 2018. In the R&R, Judge Trumble recommends that the Petitioner’s petition be denied and dismissed with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v.


Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were originally due within fourteen days of Petitioner's counsel¹ being served with a copy of the same. See ECF No. 14 at 12-13; 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service was accepted by the *pro se* Petitioner on July 30, 2018. ECF No. 15. The Court finds that the deadline for the Petitioner to submit objections to the R&R has passed. No objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 14] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Petitioner's § 2241 Petition is **DENIED** and **DISMISSED WITH PREJUDICE**.

This matter is **ORDERED STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to transmit copies of this Order to all counsel of record and to mail a copy of to the Petitioner by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: August 23, 2018


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE

¹ This Court notes that the Petitioner initiated the instant civil action *pro se*, but Matthew T. Yanni noticed his appearance in this matter on May 31, 2018. ECF No. 13. Magistrate Judge Trumble entered his R&R on July 23, 2018. ECF No. 14. The R&R was electronically transmitted to Mr. Yanni the same day. A certified copy was also mailed to the Petitioner, who received service on July 30, 2018. See ECF No. 15. Neither the Petitioner, acting *pro se*, nor Mr. Yanni have filed any objections to date.